FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION NO.3198 OF 2006
IN
WRIT PETITION NO. 423 OF 2005

(Plantation Officer, Special Forestry, Yavatmal & another
.Vs.
Datta Namdeo Dahatre)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : A. B. CHAUDHARI, J.
DATED : 27th June, 2007.

This application has been filed by the respondent sole on 03/5/2006. Till this date no reply has been filed to this application by the petitioner. On 20/9/2006, this court made an order granting Rule. Insofar as issuance of Rule is concerned, this court has made a conditional order granting stay of backwages only if respondent is reinstated within six weeks from the date of order. The period of six weeks expired on 01/11/2006. From the documents placed before me by Mr.T.R.Kankale, learned AGP, it appears that for the first time thereafter on 23/11/2006 an attempt was made by the petitioner to offer employment to the respondent within six weeks.

Perusal of order dated 21/9/2006 placed before me by Mr.Kankale, learned AGP shows that respondent

was offered a job at Kohadul on CCT work, which was not accepted by him. The order made by the Labour Court granting reinstatement will have to be read with the finding about nature of work the respondent was performing. The finding on issue No.2 is in the affirmative, specifically showing that the complainant proved that he was working as 'Watchman'. Hence, unless the petitioner comes with a case that the work of Watchman was provided to the respondent, it cannot be said that the petitioner who is Department of Government, has honoured the order made by this court on 20/9/2006. The petitioner was never prevented from applying to this court by expressing whatever the difficulty faced by it in complying with the said order, but that has not been done and the reason is the growing tendency with the Departments not to honour the orders of the court. This cannot be allowed.

For all these reasons, therefore, the interim order granted by this court is vacated for non-compliance of the order of this court. The petitioner is directed to reinstate the respondent as Watchman . It is made clear that he may not be reinstated in the post of Watchman, but he has to be reinstated as 'Watchman.

With these observations, C.A. No. 3198/2006 is disposed of.

JUDGE

PDiwale